

CITY OF MELBOURNE, FLORIDA
MINUTES – REGULAR MEETING BEFORE CITY COUNCIL
JANUARY 24, 2006



A regular meeting of the City Council was held in the City Council Chamber, 900 East Strawbridge Avenue, and was called to order at 6:30 p.m. by Mayor Harry C. Goode, Jr.

1. Council Member Grace Walker gave the invocation.
2. Pledge of Allegiance.
3. Roll Call.

Present:	Harry C. Goode, Jr.	Mayor
	Richard Contreras	Council Member, District 1
	Mark LaRusso	Council Member, District 2
	Kathy Meehan	Council Member, District 3
	Grace Walker	Council Member, District 4
	Cheryl Palmer	Council Member, District 5
	Loretta Isenberg-Hand	Vice Mayor, District 6
	Jack M. Schluckebier, Ph.D.	City Manager
	Suzanne Crockett	Assistant City Attorney
	Cathy L. Baker	Assistant City Clerk
	Amy W. Elliott	Deputy City Manager
	Howard Ralls	Deputy City Manager
	Cindy Dittmer	Planning & Economic Development Director

4. Proclamations and Presentations

Mayor Goode presented the following Beautification Awards:

“Best Overall for 2005”, New Visions Nursery, and “Most Improved for 2005”, Pruitt Real Estate; both accepted by Michael Cole, New Visions Nursery.

5. Approval of Minutes - Workshop – January 10, 2006
Regular Meeting – January 10, 2006

Moved by Hand/Meehan for approval. Motion carried unanimously.

6. City Manager's Report

There were no additions/comments to the City Manager’s written report.

7. Public Comments

None.

UNFINISHED BUSINESS

8. COUNCIL ACTION RE: Approval of updated Personnel Policies and Procedures.
(Postponed - 1/10/06)

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Mrs. Elliott provided a brief summary. The Personnel Policies and Procedures were last updated in 1999. The manual has been updated to make it more readable, eliminate redundancies, standardize terminology, provide internal consistency and cohesiveness, incorporate existing practices, and incorporate new policies adopted since the last update. The manual complies with all laws, regulations and current practices. The Personnel Director met with the LIU bargaining agent and no concerns were expressed. The Policies and Procedures are effective immediately for non-union employees once they sign for the manual, and staff will meet with union representatives prior to effectiveness for union employees.

Moved by Contreras/Hand for adoption of the updated Personnel Policies and Procedures.
Motion carried unanimously.

Council Member Richard Contreras recommended adding a future discussion item relative to policies. He suggested the City Manager and staff investigate a policy of hiring only non-smokers in the future. There is well-documented data as to health insurance costs and productivity issues for smokers. Mr. Contreras stated there is no constitutional right to smoke; this is a misnomer. The U.S. Supreme Court has upheld the right of an employer to refuse to hire someone who smokes. A caveat to this is that the goal of reducing employment costs relating to health related premiums must be directly tied to those particular issues. There is available data that there is \$5,000 a year additional medical costs related to smokers. This has already past muster with federal anti-discrimination statutes. The fact is smoking is a changeable behavior where race and gender are not. He added that the City could undertake cessation training and offer incentives for current employees to stop smoking.

Council Member Cheryl Palmer stated that is something to discuss at some point. She noted that the current City policy only bans smoking in a City vehicle when more than one person is in the vehicle. She asked why smoking is allowed in a City vehicle at any time.

City Manager Jack Schluckebier responded that some of these things are matters that require attention and analysis over time. He discussed the statistics regarding smokers; one in five people take up the habit growing into adulthood - 50 years after the Surgeon General's warning about the dangers of smoking. It is an unhealthy behavior; however, most institutional employers have not dealt with the issue directly. There is a good group of literature available regarding the connection between smoking and health insurance costs. He stated that staff can review and return with recommend changes in the policy that can withstand scrutiny.

Mrs. Palmer agreed that Mr. Contereras' recommendation is rather problematic and requires study; however, banning smoking in a City vehicle should be simple and easily accomplished. It does not take away anyone's right, it merely curtails the activity in a City vehicle and building.

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Mr. Schluckebier stated unless Council wants to take a specific action, staff will research and bring back recommended changes. By consensus, Council agreed with Mr. Schluckebier's recommendation.

9. COUNCIL ACTION RE: Presentation by the Dr. Martin Luther King, Jr. Naming Opportunities Committee of proposed options to honor Dr. King. (Postponed - 1/10/06)

Mayor Goode said the following motion is on the floor from the January 10 meeting:

Moved by Hand/LaRusso to hold a public hearing and rename Airport Boulevard to Dr. Martin Luther King, Jr. Boulevard.

Mr. Contreras stated that he had hoped all of the options would be available for discussion.

Mayor Goode advised that at the last meeting Council decided if four members selected a street, an ordinance would be prepared and acted upon. Mrs. Hand and Mr. LaRusso chose Airport Boulevard. Council also decided to conduct a special meeting.

Vice Mayor Loretta Hand stated that this issue has been going on for so many years - Council needs to take action. Airport Boulevard would not have the impact that Babcock Street or Hibiscus Boulevard would. She said because the future of the Melbourne Auditorium is not certain it would not be appropriate to rename it for Dr. King and then have it close.

Council Member Mark LaRusso stated that the Committee performed its task well for Council and in light of all that has been said, he does not want Council to get boxed into just one street. If Council drafts an ordinance and it fails, then drafts another and it fails, it becomes a perpetual moving target. He suggested holding a public hearing that includes all four proposals without an ordinance.

Mayor Goode responded that can't be done. The public must be informed about what Council is considering. He said the motion on the floor is to prepare an ordinance to rename Airport Boulevard after Dr. Martin Luther King, Jr.

Mr. LaRusso said he wanted to revisit that; the Committee provided four proposals. He again asked if an ordinance is required to hold a public hearing.

Assistant City Attorney Suzanne Crockett responded that normally the City would advertise the adoption of an ordinance; however, there are exceptions. Most workshops are for the purpose of discussing alternatives. A public hearing needs to be just one issue. She asked if Mr. LaRusso was proposing a special workshop.

Mayor Goode said the previous discussion was to hold a meeting on a separate night; however, the motion on the floor is to rename Airport Boulevard. If that motion passes, the next step would be a motion for a date and time to hold a public hearing. He said it is simple, an ordinance can't be advertised with blanks.

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Mrs. Palmer said she thinks that Council Members Contreras and LaRusso are asking to hold a workshop meeting that is also a public hearing and at the end of that meeting Council would request an ordinance.

Mayor Goode stated that would require three more meetings because an ordinance must have two readings.

Mrs. Palmer responded Council could look at all of these proposals at one meeting before drafting an ordinance.

Mayor Goode said that could be done; however, the motion on the floor is to hold a public hearing and rename Airport Boulevard. The motion could be withdrawn or the question can be called; whatever Council wants to do.

Mrs. Hand stated Council has had plenty of time to look at this. The Committee has worked hard. She questioned why Council can't vote on the Committee's recommendation.

Council Member Grace Walker stated that the Committee provided four alternatives. She referenced the numerous protests from residents and said Council needs to consider the people.

Mayor Goode said 619 people expressed opposition to the renaming versus four in support.

Mrs. Hand stated that it will always be that way. It is time that Council takes some action to give Dr. King the honor he deserves.

Mr. LaRusso responded that the Committee ranked its proposals. Not all of the members agreed with Airport Boulevard as number one, some felt other options were more viable.

Mrs. Palmer stated she wanted to clear the air regarding her stand. When Council formed the Committee she said she would not support a renaming and asked that the Committee look for new options. She did not believe the purpose of the Committee was a renaming. She was looking for new opportunities based on the 18 years that the public has turned down all renaming proposals. She agreed that the Committee worked hard; however, she will not support any of the four renaming proposals. She asked that other options be looked at, noting that she has options she would like to discuss.

Mr. LaRusso added that is what he would like to do also.

Mrs. Walker said the best solution may be to withdraw the motion. Mayor Goode responded another motion would be needed.

Mr. Contreras said the reason he can't support the motion at this juncture is based on the Committee's four recommendations and whether there are any others that may come forward. It would be a disservice not to allow that process to work its way through.

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Mrs. Hand declined to withdraw her motion. Mr. LaRusso withdrew his second to the motion for Airport Boulevard specifically. He said there should be a larger conversation.

Mrs. Hand pointed out that Council Member Contreras and the Mayor of Palm Bay brought this issue forward last year. She said she does not know “why we are sitting here doing nothing now.”

Mayor Goode advised that there was no motion on the floor since the second was withdrawn. He noted that Charles Favors has asked to present a petition in support of the renaming.

Charles Favors, President, NAACP, South Brevard Branch, presented a petition with 486 signatures supporting the renaming of Airport Boulevard for Dr. Martin Luther King, Jr.

Mrs. Meehan seconded Mrs. Hand’s January 10 motion to rename Airport Boulevard for Dr. Martin Luther King, Jr. She stated that since 1987 the City Council has tried to rename a street in honor of Dr. King and it is time something was done.

Mr. Contreras clarified that he and the Mayor of Palm Bay discussed renaming Lipscomb Street through Melbourne and Palm Bay because it was a major street running through two cities.

Mrs. Hand stated it would be great to name a new road; however, as everyone knows dollars aren’t coming in for new highways. The Palm Bay Beltway is a ways out and there’s no guarantee that Palm Bay would agree to name it in honor of Dr. King.

Mr. LaRusso commented that he would support a broader based motion.

The question was called. The roll call vote was:

Aye: Meehan and Hand

Nay: Contereras, LaRusso, Walker, Palmer and Goode

Motion failed.

Moved by LaRusso/Contreras to undertake the recommendations of the Naming Opportunities Committee to review all of the proposals provided to Council and any additional proposals brought to Council at a special meeting. (This motion was withdrawn during subsequent discussion.)

Discussion followed regarding including Airport Boulevard in the motion since Council voted against it. Mr. LaRusso said that he only voted against boxing the motion to just Airport Boulevard.

Mayor Goode said that Council tasked the Committee with finding naming opportunities. He will not support opening this up to take recommendations to rename just anything.

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Mr. LaRusso responded that is what government is all about. The Committee did a great job and provided some viable options; but again, he does not want to box Council into just one option.

Mrs. Palmer suggested an amendment that at the special meeting, Council only look at additional recommendations submitted in writing prior to the meeting.

The maker/seconded agreed to the amendment that only other recommendations submitted in writing prior to the meeting be considered. (Motion withdrawn.)

Mrs. Hand stated she is not happy with the motion on the floor; however, she does not want to close any doors. If this is what it takes to accomplish the task she will support the motion.

Mayor Goode cautioned that Council is going down a very slippery slope. He suggested Council vote for or against each of the proposals.

Mrs. Meehan asked if the ideas and suggestions could be sent to the (MLK) Committee to review.

At this point, Mr. LaRusso withdrew the motion. By consensus Council agreed to return the issue to the (MLK) Committee for further review. Mrs. Palmer suggested that Council members submit their ideas in writing to the Committee for its review.

10. ORDINANCE NO. 2006-01 (AR-2005-186) WICKHAM CORPORATE, LLC: (Second Reading/Public Hearing) An ordinance providing for annexation of a 0.583-acre parcel and the adjacent 100-foot wide right-of-way, located on the north side of Parkway Drive, west of Wickham Road. (Owner/Applicant - Wickham Corporate, LLC) (Representative - Philip Nohrr, Esq.) (First Reading - 1/10/06)

Attorney Crockett read Ordinance No. 2006-01 by title. There were no public comments.

Moved by Palmer/Meehan for approval of Ordinance No. 2006-01. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

11. ORDINANCE NO. 2006-02 (Z-2005-1044) RIVER BREEZE CONDOMINIUMS: (Second Reading/Public Hearing) An ordinance changing the zoning from R-1AA (Single-Family Residential) to R-2 (8) (One-, Two-, and Multiple-Family Residential with a cap of eight units per acre) to develop an 18-unit, single-family, detached-style condominium project on 2.41± acres, located on the east side of U.S. 1, south of Post Road. (Owner/Applicant - Q Closing LLC) (Representative - Jack Spira, Esq.) (First Reading - 1/10/06)

Mrs. Crockett read the ordinance by title. There were no Council disclosures or public comments.

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Moved by LaRusso/Hand for approval of Ordinance No. 2006-02. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

12. ORDINANCE NO. 2006-03 (CU-2005-21/SP-2005-32) MARRIOTT RESIDENCE INN: (Second Reading/Public Hearing) An ordinance granting a conditional use with site plan approval to develop a 134-room hotel at a height of 65 feet on a 2.72±-acre leased portion of a parking lot zoned C-P (Commercial Parkway), located on the west side of Babcock Street, north of Hibiscus Boulevard. (Owner - Florida Marketplace of Brevard) (Applicant - Melbourne FI, LLC) (Representative - C.J. Bock, P.E., Kimley Horn Associates, Inc.) (First Reading - 1/10/06)

The attorney read Ordinance No. 2006-03 by title. Council made no disclosures and there were no comments from the public.

Scott Widerman, applicant's representative, was present.

Mayor Goode and Mr. Widerman briefly discussed the change in the location of the hotel on the site plan. Mr. Widerman stated he is not sure there was any rationale for the change.

Responding to Mrs. Palmer, Mrs. Dittmer confirmed that setbacks will remain the same regardless of the location and noted that the conditional use is tied to this exact location. If the site changes again, it must return to Council.

Moved by LaRusso/Meehan for approval of Ordinance No. 2006-03. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

13. ORDINANCE NO. 2006-04 (A&V NO. 274): (Second Reading/Public Hearing) An ordinance vacating a 20-foot wide public right-of-way known as Silver Palm Terrace and authorization for the City Manager to execute a binding lot agreement. (Applicant - King Investments, LLC) (First Reading - 1/10/06)

Attorney Crockett read the ordinance by title. There were no disclosures by Council and no public comments.

Moved by Hand/Walker for approval of Ordinance No. 2006-04. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

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14. ORDINANCE NO. 2006-05 (A&V NO. 286): (Second Reading/Public Hearing) An ordinance vacating the five-foot wide public utility and drainage easement along the north lot line, except the easterly and westerly 10 feet of 1050 North Wickham Road and the five-foot wide public utility and drainage easement along the south lot line, except the easterly and westerly 10 feet of 1070 North Wickham Road. (Applicant - Melbourne Equities, LLC) (First Reading - 1/10/06)

Mrs. Crockett read Ordinance No. 2006-05 by title. There were no Council disclosures or comments from the public.

Moved by Palmer/Walker for approval of Ordinance No. 2006-05. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

15. ORDINANCE NO. 2006-06: (Second Reading/Public Hearing) An ordinance amending Chapter 28, Streets, Sidewalks and Other Public Places, by changing the name of Ballard Drive between Laurie Street and U.S. Highway 1 to North Babcock Street. (First Reading - 1/10/06)

Attorney Crockett read the ordinance by title. Mayor Goode opened the public hearing.

Richard White, property owner at 465 and 471 Ballard Drive, discussed the impact the Babcock Street widening had on his business.

Mr. Schluckebier explained staff is aware of Mr. White's opinion, and noted that he does have other avenues of recourse. He added that Mr. White is not commenting on the renaming of Ballard Drive.

Mayor Goode agreed the Council item is about the renaming of a street and Mr. White's issue can't be settled tonight; however, if the City has denied this man access to his property it needs to be addressed.

Mr. Contreras stated this is not the agenda item and asked if the renaming of the street has impacted this gentleman. He noted that Mr. White should have appeared during Item #7, Public Comments. He suggested that Council stick with the agenda.

Mayor Goode stated Mr. White indicates he can no longer use his property because of the road widening and he would like to here the rationale. Mrs. Palmer agreed, and added that citizens are not aware of Council's process.

Mrs. Dittmer stated that Mr. White has talked with staff and appeared before the Babcock Street Community Redevelopment Agency Advisory Committee on numerous occasions. He purchased property in 2004 that relied on City right-of-way for parking. That right-of-way was needed and used to accomplish the Babcock Street realignment. Mrs. Dittmer pointed out that Mr. White also has legal counsel that is working with the City on this issue.

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Mayor Goode stated the fact that Mr. White has legal counsel is all he needed to hear. Mrs. Palmer asked for a report regarding the issue.

Mr. Schluckebier said staff will provide a report that includes a history of these two parcels and the minutes from the Babcock Street Community Redevelopment Agency Advisory Committee.

Moved by LaRusso/Contreras for approval of Ordinance No. 2006-06. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

16. ORDINANCE NO. 2006-07 FIREFIGHTERS' PENSION PLAN: (Second Reading/Public Hearing) An ordinance amending Chapter 23, Retirement and Pensions, Article V, Firefighters' Pension Plan, to incorporate applicable provisions of federal law and state statutes. (First Reading - 1/10/06)

Mrs. Crockett read Ordinance No. 2006-07 by title. There were no comments from the public.

Moved by Palmer/Contreras for approval of Ordinance No. 2006-07. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Palmer, Hand and Goode

Motion carried unanimously.

17. COUNCIL DISCUSSION RE: City Hall expansion/renovation options. (Postponed - 1/10/06)

At the December 13, 2005 Council meeting, staff recommended rejection of the City Hall expansion/renovation bid received from the Doster Construction Company. Council requested that this item return in order to discuss available options. This item was postponed at the January 10 Council meeting.

From the agenda report: City Engineer Jenni Lamb has provided a report on alternatives to move this project forward. Staff is pursuing the availability of office space to temporarily relocate all or some of City Hall employees during the anticipated 12-month construction period. Staff is also working with our architectural consultant (BRPH) to make modifications to the renovation/expansion plans and specifications to eliminate the phasing aspects of the plan. The project could be put back out to bid as early as March.

The option of constructing a new building through the design-build process also has merit, although in an "apples to apples" comparison of cost per square foot, feasibility remains uncertain. If Council directs staff to proceed with a dual-option of a design-build

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proposal, a design criteria package would need to be prepared. It is estimated that the renovation approach would be in the \$100-\$125/square foot (\$4.4 – \$5.5 million) while the design build cost would be \$150-\$175/square foot (\$6 - \$7 million).

Jenni Lamb, City Engineer, reported that one option is to take the current plan designed by BRPH and change it to receive lower bids, including temporarily relocating all City Hall employees. This reduces the timeframe for construction by 8-10 months and removes liability for the contractor. Minor modifications would be put out to bid in mid to late March. Approximately 140 employees would need to be moved, some to other City facilities; however, leasing of at least 20,000 square feet would be required. A preliminary estimate to move staff and lease space is approximately \$600,000.

The second option is the conceptual plan for a four-story building, 10,000 s.f. per floor, on the City Hall site. This is less square footage than the existing plan and additional space is needed for elevators and hallways. This plan only displaces 50 employees, eighteen of those are inspectors who are not always in the office. The new City Hall would be constructed where the two annex buildings are located. Additional space could be put in existing City facilities with the use of partition walls. City Hall would remain operating in Downtown Melbourne with most employees on site. The plan uses a smaller footprint allowing a gain of 30 parking spaces and an asphalt area for future consideration of a parking garage. A design criteria package would need to be compiled. Most of the information from the current plan could be used. The preliminary cost for a new building is \$6.6 - \$7 million, which is less than the original \$11 million bid.

Mrs. Lamb concluded by stating that both options have merit. Staff is open to other options and is looking to Council for a recommendation.

Mayor Goode stated that three months ago the City received a bid of \$11 million. He agreed that the economy is changing and building is leveling out; however, he does not see that 30 days makes that much difference. He asked if there has been any interest from companies willing to bid a new building.

Mrs. Lamb stated there is one contractor interested in bidding a new building and one interested in bidding on the existing plan if employees are not in the building and the project is phased. She noted that both are local contractors.

Discussion followed regarding the size of the proposed building. Mr. Contreras stated 44,000 square feet is just status quo and is insufficient. Staff should be looking at future needs, possibly 20 years in the future.

Mrs. Lamb responded that the current design did account for some future growth; however, she is not sure it went out 20 years.

Mr. Schluckebier stated that staff does not feel the comparison is apples to apples on square footage even with the numbers presented by the City Engineer because the current design provides 44,000 of useable square footage. That versus a new building at 100 x 100 or even 110 x 110 is not the same thing; gross square footage is not the same

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as useable space. Regarding planning for the future, the 44,000 number came into play in studies and surveys done in 1999. That number is six or seven years old; however, staff did make some projections into the future.

Mrs. Lamb said the existing design included consideration of space and placing departments in the most customer friendly positions.

Mr. LaRusso stated his concern is the age of the existing building and the cost to renovate under the present plan.

Randy Thron, BRPH, stated he did the program document based on extensive interviews with staff and a 15% contingency was included for future expansion that allows for 17 additional employees. He said various contractors had concerns, several bailed out, and only one contractor submitted a bid.

Mr. Thron stated that in discussions with Trudy Larson, President of the Central Florida Building Exchange, a company that assists with bidding documents, she advised that construction costs vary anywhere from \$210 to \$240 a square foot.

Mr. LaRusso asked if that number included encapsulation given the age of the building, new environmental protection procedures and the fact that there is probably asbestos everywhere in this building.

Mr. Thron said that has been taken into consideration. He advised that some abatement has already been done. Part of his work included a condition assessment of this building. The building has a deep foundation structure that is in magnificent shape, which is worth something. It is his opinion that the structure of this building is worth keeping. The biggest obstacle with the bids was phasing the project over 24 months. There were life safety issues with the owner occupying part of the building, cost escalation issues, and how to allow for costs over a 24-month period. Mr. Thron discussed the shortage of building materials and the increased construction costs over the last several years.

Mrs. Lamb advised that staff is not sure if the \$6 – \$7.7 million conceptual plan estimate includes a generator for the building, a Council dais and a sound system. The previous plan included the dais and sound system. Additionally, staff is not certain if the proposed cost for the conceptual plan includes the same carpet grade, etc., and staff is not sure the comparison is apples to apples at this point.

Mrs. Hand said it does not appear the cost to construct a new building is much more than the renovation. She believes it would be better to construct a new building. We should be proud to have a new building for the City. A lot of money would have been saved if Council had done this several years ago. Mrs. Hand said Council should take some action because costs keep going up.

Mr. LaRusso discussed the logistics of moving people and equipment. He said he absolutely supports investigating a brand new building.

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Mrs. Palmer agreed there are logistics of moving employees and equipment twice. Customer service during the 18-month construction phase is a nightmare. There is a better chance of possible expansion with a new building. She supports bidding again for a new building. She said it would give the employees in this building a little bit of a breather that they won't be uprooted for two years.

By consensus, Council agreed to allow Chris Romandetti and Dave Menzel the opportunity to speak.

Chris Romandetti, 705 S. Harbor City Boulevard, said he appreciates what staff has done. However, there is a lot of redundant information. The new plan is a conceptual one that would keep the employees here, minimize the community impact and could be designed to support a parking garage. It is not just a square box of 40,000 s.f.; it could be 50,000 s.f. if that's what's needed. The new building could also support going up two or three stories in the future. The building would be better located farther from the railroad tracks. Mr. Romandetti added that the work of the engineers could be reused.

Dave Menzel, 2200 Front Street, discussed the history of the project. He said he did the current drawing about two to three years ago for Dr. Armstrong when the City discussed moving over by the hospital. Construction of a new building makes the most sense. He noted that it could include a parking garage.

Mr. Schluckebier stated that consistent with what Mr. Romandetti and Mr. Menzel said – he asked Council not to discount the work with respect to renovating the structure. There is speculation as to what the price would be for new construction but until we see it five months into the future – it is speculation. There are two approaches to resolving the problem. If we accommodate both approaches Council will be left with a good decision no matter what happens.

Mrs. Palmer asked about the cost and timeframe to design a new criteria package. Mr. Schluckebier stated that staff believes there would be minimal cost to the City, well within the cost parameters by which state law would not require the City to conduct a competitive bid. It could be done in the next 90 to 120 days.

Moved by Palmer/LaRusso for staff to develop a design criteria package and go out for bid on new proposed City Hall building as discussed (45,000 net square footage).

Mr. Schluckebier asked if the motion included the dual approach. Mrs. Lamb explained that the dual approach would be to develop a design criteria package for a new building and go out to bid for both a new building and renovation of the existing site at the same time. Council could make its decision based on bids that allow a similar comparison.

Mr. Contreras suggested that staff review the 15% contingency for future expansion.

Mrs. Palmer and Mr. LaRusso clarified that the motion is for a new City Hall only and agreed with Mr. Contreras' suggestion to review the contingency for future expansion.

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The question was called. Motion carried unanimously.

NEW BUSINESS

18. COUNCIL ACTION RE: Supplement No. 270 to the Continuing Consultant's Contract for the Eldorado waterline extension, Project No. 31106, Frazier Engineering, Inc., Melbourne, FL - \$78,000 and an appropriation of \$83,000 from Water & Sewer Fund Prior Years Surplus/Retained Earnings to establish a budget for this project.

Ms. Lamb briefed Council and was available for questions. She noted that this area was annexed into the City in December 2005.

Moved by Hand/Meehan for approval as recommended. Motion carried unanimously.

Recessed: 8:02 p.m.

Reconvened: 8:12 p.m.

Council Member Palmer and Mr. Schluckebier were not present.

19. COUNCIL ACTION RE: Supplement No. 269 to the Continuing Consultant's Contract for the Deerwood waterline extension, Project No. 31006, Frazier Engineering, Inc., Melbourne, FL - \$76,125 and an appropriation of \$81,125 from Water & Sewer Fund Prior Years Surplus/Retained Earnings to establish a budget for this project.

Ms. Lamb oriented Council to the request and responded to questions.

Moved by LaRusso/Hand for approval as recommended. The roll call vote was:

Aye: Contreras, LaRusso, Meehan, Walker, Hand and Goode

Motion carried unanimously. (Six votes, Mrs. Palmer was not present.)

20. CONSENT AGENDA:

Moved by LaRusso/Contreras for approval of items 20 'a' and 'b' as recommended.

Council Member Palmer and Mr. Shluckebier returned to the Council Chamber at 8:16 p.m.

Motion carried unanimously.

- a. Approval for the City of Melbourne to participate with the Richman Group of Florida, Inc. in the construction of the Manatee Cove Lift Station - \$24,184.26; and transfer of \$24,188 from Water & Sewer Fund Contingency to this project budget.
- b. Approval of a 60-month leasing agreement for eight digital copiers, Toshiba Business Solutions, Orlando, FL - \$1,711.89/month; estimated annual cost of \$24,568, which includes copier lease, printer cartridges, and maintenance.

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21. ITEMS REMOVED FROM THE CONSENT AGENDA

None.

22. COUNCIL DISCUSSION RE: Presentation by Fire Chief Paul Forsberg regarding the Fire ambulance/transport issue.

Chief Forsberg provided Council with an overview of the Fire Ambulance Transport issue and pointed out that he is not looking for any decisions by Council, he is only providing information to Council. The City could provide the transport service cheaper for the citizens that currently pay \$1.6 million to the County for EMS service. And, it would provide citizens with continuity of care. At present, the City provides the initial service and then transfers the patient to the County for transport. Continuity of care allows the same person that provided treatment to transport and talk with the E/R doctors. Additionally, there would be no waiting for the County to arrive on scene for transport. There are times when our firefighters wait for County personnel to arrive based on the unit's distance from the scene or because the County units are on other calls.

Chief Forsberg concluded stating that he is not asking for Council action at this time; however, there may be a need to make adjustments quickly in the future and he wanted Council to have the information ahead of time.

Mayor Goode stated that he does not favor any changes. He questioned whether the County had any litigation costs and said that may be something to investigate should the City of Melbourne be required to take on the service in the future. This would be a tremendous responsibility on the citizens of Melbourne should a lawsuit arise.

Mrs. Palmer asked Chief Forsberg to explain how the City could perform the service for less money than the County. She pointed out that the County took over from a private carrier thinking they could do it cheaper and that has not necessarily been the case.

Chief Forsberg stated that the service and transport would be handled by one unit with two salaries as opposed to two services with four salaries. The City would have some incremental hiring; more Advanced Life Support (ALS) units and more personnel for other emergencies. Some personnel would be utilized in multiple roles and to address other issues facing the department.

Mrs. Palmer discussed firefighters being held up at the hospital when transporting patients to the E/R and stated this is something to consider. Chief Forsberg responded that happens during rare times when the hospital is really busy. He noted that Melbourne is lucky in that we have two hospitals and the turn around time is fairly quick.

Mrs. Palmer stated that the Fire Chief may not be making a recommendation; however, it does sound like he is making a pitch.

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Chief Forsberg stated everything is status quo and he is not making any recommendation. He noted that the City of Palm Bay is going through legal issues with the County and Melbourne and Palm Bay are the two largest communities in the County. If Palm Bay is successful with its litigation and is taken out of the mix, Melbourne residents could pay a higher price for the County's transport services. He said it could be six months or six years, depending on the litigation. The City could be faced with decisions and he wanted Council to be informed.

Mr. Contreras said that if Palm Bay is successful Melbourne could experience an increase in vacuum of dollars.

Mr. LaRusso asked where Palm Bay is in its quest to break from the County.

Mr. Schluckebier stated that our information is only as up to date as the Florida Today provides. When an issue is in front of a judge, until the judge decides and all appeals are exhausted, the status is unclear.

He said the preliminary assessment is that Palm Bay sought a temporary injunction, the judge did not grant one; however, admonished that the County's use for a primary revenue source is outdated and needs to be updated.

Responding to Mrs. Walker, Mr. Schluckebier stated that he is not sure who the judge was; however, it was an admonishment all the way around and the County Tax Collector and Property Appraiser took heed of the opinion.

Responding to Mr. Contreras, Mr. Schluckebier noted there are no revenue deficiencies, the issue was not under-funding of a revenue source. Brevard County adopted a non ad valorem assessment of \$58 per residential unit across the County. The County retains 75-80% of the proceeds and remits a portion to each City with first responder capability. The issue is the use of a non ad valorem assessment of real estate for a human service, such as ambulance service. Brevard County is the only county in the state that utilizes the assessment for such use.

Moved by Walker/LaRusso to convene as the Melbourne Downtown Community Redevelopment Agency for item 23. Motion carried unanimously.

23. COUNCIL ACTION RE: Request by Melbourne Main Street for the City to co-sponsor the 2006 Friday Fest events conducted monthly in Downtown Melbourne.

Mrs. Dittmer reported that the Melbourne Downtown Community Redevelopment Agency Advisory Committee and staff recommended support of Melbourne Main Street by providing assistance not to exceed \$3,500 for Friday Fest 2006 from the Downtown Redevelopment Fund.

Moved by LaRusso/Walker for approval as recommended. Motion carried unanimously.

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Moved by Contreras/Hand to reconvene as the City Council for the remaining agenda items. Motion carried unanimously.

24. PRELIMINARY PLAT APPROVAL (SD-2005-09) KENNEDY SQUARE SUBDIVISION: (Public Hearing) A request for preliminary plat approval to develop a 10-lot townhouse development at a density of 11 units per acre on a 0.92±-acre parcel zoned R-2 (11) (One-, Two-, and Multiple-Family Residential with a cap of 11 units per acre), located on the north side of Masterson Street, east of Kennedy Street, and west of Southland Avenue. (Owner - Habitat for Humanity) (Applicant/Representative - Joe Gassman, President & CEO, Habitat for Humanity) (P&Z Board - 1/05/06)

Mrs. Dittmer briefed Council. The Planning and Zoning Board voted unanimously to recommend approval of the two-sheet plan prepared by Mott Land Surveying, with a signed and sealed date of December 27, 2005, subject to the following conditions:

- a. Any change to the preliminary plat will require reevaluation by the Engineering Department and Planning and Economic Development Department.

Any substantial change to the preliminary plat as outlined in Appendix B, Article IX, Section 6 (E), will require review and approval by City staff, the Planning and Zoning Board, Local Planning Agency, and/or the City Council.

- b. Appropriate environmental permits must be obtained as part of the construction plan review process.
- c. All hardwood trees and scrub oaks located outside of the building footprint and parking driveway aisles shall be preserved, and buildings and parking/drive aisles shall be shifted when possible to preserve hardwood trees or scrub oaks, as determined during construction plan review.
- d. Only one building permit may be issued on the plat prior to recordation of the final plat.

Moved by Hand/LaRusso for approval of SD-2005-09, subject to the findings and conditions. Motion carried unanimously.

25. ORDINANCE NO. 2006-08 (Z-2005-1051) AND PRELIMINARY DEVELOPMENT PLAN APPROVAL (SP-2005-06) MAYFAIR ISLES: (First Reading/Public Hearing) An ordinance changing the zoning from C-1 (Neighborhood Commercial) to PUD (6) (Planned Unit Development with a cap of six units per acre) on 31.83 acres and preliminary development plan approval to develop a 1,306-unit single and multiple-family residential development on a 253.85±-acre parcel, located on the north side of Pirate Lane, west of Lipscomb Street, south of Florida Avenue, and east of Babcock Street. (Owner/Applicant - Southern Homes of Melbourne, LLC) (Representative - Philip Nohrr) (P&Z Board - 1/05/06)

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Mrs. Crockett read the ordinance by title and Mrs. Dittmer briefed Council. There were no disclosures by Council.

Phil Nohrr, applicant's representative, discussed the rezoning and preliminary development plan. They are excited about the plan for this section of Babcock Street and think it will be an economic boost and enhancement to the overall area. He referenced the supplemental brochure distributed to Council. This will be a quality product that Council will be pleased to see. He noted there will be no ingress/egress to Babcock Street. Mr. Nohrr discussed some late comments from the School Board regarding Palm Bay High School (PBHS) and noted they met with the School Board and came to some conclusion with them.

Continuing, Mr. Nohrr stated this project brings the City a major east-west thoroughfare that will link U.S. 1 to Minton Road. The main entrance to the development will be at a planned curve in Pirate Lane that will direct traffic away from Babcock Street more towards U.S. 1. There is also a second entrance on Florida Avenue. Staff asked for a third entrance on Eber Road and Council will see that when the overall preliminary plat returns.

Mr. Nohrr noted that the project will come before Council a number of times, once for the overall project and for each of the thirteen parcels. The proposed 5.1 units per acre density is below the six units per acre currently allowed.

The project includes some neat enhancements, including a 35' linear pedestrian way throughout the entire project. Residents can walk, bicycle, move within the entire project creating more of a community effect. Each individual parcel has its own neighborhood park. The project is designed for a neighborhood type experience. A significant multi-purpose clubhouse will be provided that will be a major focal point of the community. Mr. Nohrr noted that there aren't many undeveloped large parcels of land in the City. This large parcel provides an opportunity to develop a functioning community. The developer has experience with this type of development. The applicant has been working with staff since March and there has been a lot of give and take. Mr. Nohrr stated at the very end of the process, in fact the day of the Planning and Zoning Board hearing, the applicant heard from the School Board that PBHS needed assistance with land for ballfields, parking, and drivers' education. They met with Ed Currie, head of facilities for the School Board, and the applicant will commit to sell a minimum of six acres, under terms to be worked out over the next few months, to assist PBHS with expansion plans that require them to give up some ballfields. Additionally, they intend to work out a development agreement with the City regarding Pirate Lane. The applicant may even undertake the four-laning of Pirate Lane; however, a lot of negotiations are needed. This is the first step for a quality project that will be a plus for the City and will bring quality housing to this area. Mr. Nohrr asked for an opportunity to respond to any public comments.

Mrs. Walker asked about the relationship between the clubhouse and the school. Mr. Nohrr stated there is no relationship and noted that the distance is significant with no direct access. He added that the main community entrance is about a half mile from the school.

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Council Member Kathy Meehan stated that the School Board mentioned a crosswalk and asked if that is workable. Mr. Nohrr said he did not want to get too technical, but the School Board does not want a crosswalk. The department of education does not allow students to walk across a public roadway. In discussions with Mr. Currie they worked out the situation to the School Board's satisfaction.

Responding to Mrs. Meehan, Mr. Nohrr said it is a private, gated community and confirmed that all three entrances will be gated.

Mr. Contreras asked if there is a plan relative to the types of swing sets, tot lots, etc, for the 11 neighborhood parks. Mr. Nohrr replied that the brochure distributed to Council provides a description of what will be in the tot lots, neighborhood parks, etc.

Mr. Contreras referenced the main road running through the community and said a key issue for the City is traffic calming in older subdivisions. Mr. Nohrr advised that the main road was curved to avoid a straight shot through the development to help alleviate some speeding problems. This is a community responsibility and they do have a community association to deal with the issue.

Responding to Mr. Contreras, Mr. Nohrr stated that the purchase price would be in the \$250,000 to \$500,000 range.

Mr. LaRusso added that the market will dictate the price and asked about the intended build out timeframe. Mr. Nohrr responded a three to five year range.

Mayor Goode opened the public hearing.

Pat Poole, 805 E. Palmetto Avenue, asked if multi-family and single-family developments would be kept separate. She expressed concern that the environmental impact study was only done on 112 acres. She said she is sure the development will use mitigation based on the cost to relocate the wildlife. It is cheaper to pay the price to bulldoze over everything. The City is losing a lot of the environment. She discussed the size of the development and the number of cars and trips to be generated. She agreed with widening of Pirate Lane and hopes the applicant does pay for this. She favors the recommendation to add a third access point based on the enormous acreage.

Mrs. Poole is concerned that only the generation of tax dollars is being looked at. She asked how many children the 1,600 units will bring into the already overcrowded school system. Because the developer has never appeared before Council, she suggested that Council only approve the 35+ acres to see how they build before approving the entire development. Mrs. Poole concluded by asking Council to consider her suggestion.

Mayor Goode stated that the PUD process is the City's most restrictive zoning and provides the City the most control over any development.

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Harold Philips, 839 Barbados Avenue, spoke in opposition to the rezoning. He discussed the long-range implications of increased density, including the aquifer, schools, Brevard County roads, and the impact on the quality of life of the residents. The plan includes 253 acres with over 1,300 home sites, widening of Pirate Lane that runs by PBHS, and a major thoroughfare to U.S. 1. Mr. Philips expressed concern for the safety of students walking on the sidewalks on a street with a 45 MPH speed limit. He is concerned about traffic, congestion and the direction the County is taking. Brevard County is his home and he is afraid Melbourne is going the way of Ft. Lauderdale and Miami where there is no habitat.

Mayor Goode closed the public hearing.

Mr. Nohrr stated his only comment is that the four-laning of Pirate Lane/Eber Road has been long planned – the applicant is only enhancing that plan.

In response to Council Member Palmer, Mr. Nohrr stated that all but 35 of the 253 acres is zoned PUD.

Moved by Contreras/Meehan for approval of Ordinance No. 2006-08 and preliminary development plan SP-2005-06.

Mrs. Meehan asked about a stipulation regarding the four-laning of Pirate Lane. Mr. Nohrr responded it will be part of the development agreement.

The question was called. Motion carried unanimously.

26. COUNCIL ACTION RE: Appointment of two alternate members to the Planning and Zoning Board.

Moved by Hand/Meehan to reappoint Manual Rodriguez and Kathy Chambers. Motion carried unanimously. (January 25, 2006 - January 24, 2009)

27. PETITIONS, REMONSTRANCES AND COMMUNICATIONS

Mrs. Walker asked that the City Manager and staff develop height regulations for Council consideration. Mayor Goode responded Council discussed this when the new members were seated in 2004 and at that time decided to leave it as is.

Mr. Schluckebier explained that staff's current policy on height regulation is based on previous Council action. Developers are advised that staff will not recommend more than twice the current recommended level. If Council would like to quantify an overall height, staff would take that direction.

By consensus of Council, staff will schedule this item on a separate agenda 45 minutes prior to the February 28 Council meeting.

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At Mr. Contreras' request, Mr. Schluckebier stated staff will schedule a time for Council to meet the lobbyist recently hired by the City of Melbourne and the Airport Authority.

There was a brief discussion regarding the cavalier attitude of a member of the Dr. Martin Luther King, Jr. Naming Opportunities Committee during that agenda item. Council asked that the member be advised of proper decorum.

28. ADJOURNMENT

Moved by LaRusso/Meehan to adjourn. Motion carried unanimously.

The meeting adjourned at 9:15 p.m.



Assistant City Clerk – 2/07/2006

Approved by Council: _____